

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

UNITED STATES OF AMERICA
ex rel. NADRA LEE WOODS

PLAINTIFF

V.

Civil No. 03-3086

NORTH ARKANSAS REGIONAL MEDICAL
CENTER and DR. HELEN H. KIM

DEFENDANTS

O R D E R

Now on this 2nd day of September, 2005, comes on to be considered defendants' **Motions to Dismiss (Docs. 19, 21)**. The Court, being well and sufficiently advised, finds and orders as follows with respect thereto:

1. Defendants essentially argue that plaintiff's complaint should be dismissed because her claims under the False Claims Act, 31 U.S.C. § § 3729-3733, have not been pleaded with the particularity required by Federal Rule of Civil Procedure 9(b).

2. In response, plaintiff argues that she has pleaded her claims with the requisite degree of particularity. Plaintiff alternatively argues that if her claims do not satisfy the requirements of Rule 9(b), the Court should grant her leave to amend her complaint rather than dismiss it. (Doc. 25.)

3. The Court has thoroughly reviewed the parties' lengthy arguments. Rather than address these arguments on the merits, it appears that the most prudent course of action at this juncture is to allow plaintiff the opportunity to amend her

complaint to cure the alleged deficiencies pointed out by defendants.

Accordingly, defendants' **Motions to Dismiss (Docs. 19, 21)** are **DENIED** and plaintiff shall have thirty (30) days from entry of this order to file an amended complaint. Defendants shall have twenty days from service of the amended complaint in which to file a response.

IT IS SO ORDERED this ____ day of September 2005.

/S/JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE